









DEUTSCHE STIFTUNG FÜR INTERNATIONALE RECHTLICHE ZUSAMMENARBEIT E.V.





ПРОЕКТ РАДИ ЄВРОПИ

«ПІДТРИМКА ВИКОНАННЯ УКРАЇНОЮ РІШЕНЬ ЄВРОПЕЙСЬКОГО СУДУ З ПРАВ ЛЮДИНИ»







ПРОЕКТ ПІДТРИМКИ СУДОВОЇ РЕФОРМИ



## I INTERNATIONAL SCIENTIFIC AND PRACTICAL CONFERENCE

## **«PUBLIC SERVICE AND ADMINISTRATIVE JUDICIAL PROCEEDINGS: ACHIEVEMENTS AND CHALLENGES»**

5-6 July 2018

**Supreme Court, Plenary Session Hall** 8 Pylypa Orlyka str., Kyiv

## Conference Schedule 5 July 2018

09.15–10.00	Registration of participants. Welcome coffee
	Solemn opening. Welcome speeches
10.00–10.30	Valentyna Danishevska – President of the Supreme Court
	<b>Mykhailo Smokovych</b> – President of the Administrative Cassation Court within the Supreme Court, Doctor of Juridical Sciences, Merited Lawyer of Ukraine
	<b>Nataliia Shuklina</b> – Vice-Rector on Research Work of the National School of Judges of Ukraine, Candidate of Juridical Sciences, Professor, Merited Lawyer of Ukraine
	<b>Ivan Hrytsenko</b> – Dean of the Law Faculty of the Taras Shevchenko National University of Kyiv, Doctor of Juridical Sciences, Professor, Merited Lawyer of Ukraine
	<b>Tetiana Kolomoiets</b> – Dean of the Law Faculty of the Zaporizhzhia National University, chief of the scientific laboratory for issues of service law of the National Academy of Legal Sciences of Ukraine, Doctor of Juridical Sciences, Professor, correspondent member of the National Academy of Legal Sciences of Ukraine, Merited Lawyer of Ukraine
	<b>Olesia Radyshevska</b> – Director of the Centre for Polish Law, docent of the Chair of administrative law of the Taras Shevchenko National University of Kyiv, Candidate of Juridical Sciences
	<b>Dovydas Vitkauskas</b> – Head of the EU Project "PRAVO-Justice"
	<b>Hennadii Ryzhkov</b> – Legal Adviser of the German Foundation for International and Legal Cooperation
	<b>Jörg Pudelka</b> – Head of the Office of German Society for International Cooperation in Uzbekistan and Kazakhstan, judge at the Administrative Court of Berlin, Germany
	<b>Sergii Koziakov</b> – Chairman of the High Qualification Commission of Judges of Ukraine, Candidate of Juridical Sciences
	<b>Anzhela Stryzhevska</b> – Deputy Prosecutor General of Ukraine, Candidate of Juridical Sciences
	<b>Oleksandr Paseniuk</b> – President of the High Administrative Court of Ukraine in 2004–2011, President of the All-Ukraine Association of Administrative Judges, Candidate of Juridical Sciences, Merited Lawyer of Ukraine
	<b>Nataliia Korchak</b> – member of the National Agency on Corruption Prevention of Ukraine, Doctor of Juridical Sciences
	<b>Zenovii Kholodniuk</b> – Chairman of the State Judicial Administration of Ukraine, Merited Economist of Ukraine

	Section 1 Public Service in Ukraine: Theoretical and Legal Aspect
	<u>Moderator – Nataliia Onishchenko</u>
10.30–10.45	Public service as legal category: contours of comprehension in the context of modern realities Nataliia Onishchenko, chief of the Division for theory of state and law of the V. Koretskyi Institute of State and Law of the National Academy of Sciences of Ukraine, Doctor of Juridical Sciences, Professor of the National Academy of Legal Sciences of Ukraine
10.45–11.00	From "special power relations: till comprehensive legal protection of official in administrative courts on the basis of the Basic Law: constitutional and legal grounds of German law on public service Lars Brocker, President of the High Administrative Court of Rheinland- Pfalz Land and the President of the Constitutional Judicial Chamber of Rheinland-Pfalz Land, Germany
11.00–11.15	Political Service: Political Service: determination and peculiarities of legal regulation Mykhailo Tsurkan, Deputy Director of Textual Centre of the National School of Judges of Ukraine, retired judge of the High Administrative Court of Ukraine, Candidate of Juridical Sciences, Merited Lawyer of Ukraine
11.15–11.30	<b>Peculiarities of law on public service for judges and judicial protection of judges' rights in the German Federal Republic</b> Jörg Pudelka, Head of the Office of German Society for International Cooperation in Uzbekistan and Kazakhstan, judge at the Administrative Court of Berlin, Germany
11.30–11.50	Coffee Break
11.50–12.10	<b>Recruitment to public service and judicial control in Poland</b> Jarosław Dobkowski, head of the Chair for administrative law and administrative science of the Faculty of law and administration of the University of Warmia and Mazury in Olsztyn, judge of the Appeal self- government panel in Olsztyn, Poland
12.10–12.25	<b>Issues of codification of legislation on state service</b> <i>Ivan Holosnichenko</i> , Deputy Director for scientific work of the Kyiv University of Intellectual Property of the National University "Odesa Academy of Law", Doctor of Juridical Sciences, Professor
12.25–12.40	International experience of legal regulation of employment and performing public service, recommendations for Ukraine Olena Hubska, judge of the Kyiv Appeal Administrative Court, Doctor of Juridical Sciences, Docent.

12.40–12.55	Place of public service institution in the system of contemporary administrative lawRoman Myroniuk, professor of the Chair of administrative law, process and administrative activity of the Dnipropetrovsk State University of Internal Affairs, Doctor of Juridical Sciences, Professor
13.10–14.00	Lunch Section 2 Public Service, Administrative Law and Administrative
	Judicial Proceedings <u>Moderator – Mykhailo Tsurkan</u>
14.00–14.15	Judicial control in administrative cases on performing public service Volodymyr Bevzenko, judge of the Administrative Cassation Court within the Supreme Court, Doctor of Juridical Sciences, Professor.
14.15–14.30	Role of administrative courts in employment of public officials in Poland Monika Latos-Miłkowska, Adjunct Professor in the Institute of Administrative and Legal Sciences of the Faculty of Law and Administration of the Warsaw University
14.30–14.45	Administrative procedures: concept, features, classification Semen Stetsenko, correspondent member of the National Academy of Legal Sciences of Ukraine, Doctor of Juridical Sciences, Professor, Honored Science and Technology Worker of Ukraine
14.45–15.00	<b>Competition for the position on state service: judicial practice in</b> <b>Latvia</b> <b>Jautrite Briede,</b> <i>judge of the Supreme Court of Latvia, the Resident</i> <i>Advisor of the Twinning Project "Strengthening the Institutional capacity</i> <i>of the Supreme Court of Ukraine in the sphere of human rights protection</i> <i>at the national level", Professor of Law Faculty of the University of Latvia</i>
15.00–15.15	Assets declaration: problem aspects of realization of public duty Mykola Kucheriavenko, Head of the Chair for financial law of the Yaroslav Mudryi National law University, the First Vice-President of the National Academy of Legal Sciences of Ukraine, Doctor of Juridical Sciences, Candidate of Economic Sciences, Professor, academician of the National Academy of Legal Sciences of Ukraine, Honored Science and Technology Worker of Ukraine
15.15–15.30	Violation of restrictions concerning receiving gifts as a reason for administrative liability of public officials Tetiana Kolomoiets, Dean of the Law Faculty of the Zaporizhzhia National University, chief of the scientific laboratory for issues of service law of the National Academy of Legal Sciences of Ukraine, Doctor of Juridical Sciences, Professor, correspondent member of the National Academy of Legal Sciences of Ukraine, Merited Lawyer of Ukraine

15.30–15.45	Public and political service: problem issues on normative and legal regulation Oksana Kuzmenko, head of the Chair for administrative law and process of the National Academy of Internal Affairs, Doctor of Juridical Sciences, Professor
15.45–16.00	Coffee Break
16.00–16.15	Legitimacy of dismissal of prosecutor's office official in case of reorganization of prosecution body as a precautionary measure of observance of the principle of the rule of law Oleh Prudyvus, Chief Justice of the Zaporizhzhia Circuit Administrative Court, Candidate of Legal Sciences, Docent, Merited Lawyer of Ukraine
16.15–16.30	<b>Restrictions of access to public state in judicial profession</b> <b>Oleh Pechenyi,</b> <i>docent of the Chair of civil law No. 1 of the Yaroslav</i> <i>Mudryi National law University, Candidate of Legal Sciences, Docent</i>
16.30–16.45	Judicial practice as a source of law in administrative judicial proceedings while consideration of disputes appearing from relations of public service Vasyl Ilkov, judge of the Dnipropetrovsk Circuit Administrative Court, Doctor of Juridical Sciences, Docent
16.45–17.00	Genesis of judicial control in disputes, appearing from relations of public service, in administrative judicial proceedings of Ukraine Oleksandr Sasevych, judge of the Lviv Circuit Administrative Court, Candidate of Juridical Sciences
17.00–17.15	Protection of rights of public officials due to public legal succession of authoritative powers Yuliia Dorokhina, professor of the Chair of criminal and legal disciplines of the Training and Research Institute of the Taurida National V.I. Vernadsky University, Doctor of Juridical Sciences, Docent
17.15–17.30	Questions, Answers, Discussions

## 6 July 2018

9.15–10.00	Welcome coffee
	Section 3 Institute of Public Service and Related Spheres of Law
	<u> Moderator – Volodymyr Bevzenko</u>
10.00–10.15	<b>Judges' independence and disciplinary liability: balancing</b> <b>Mykhailo Smokovych</b> – President of the Administrative Cassation Court within the Supreme Court, Doctor of Juridical Sciences, Merited Lawyer of Ukraine
10.15 –10.30	Peculiarities of jurisdiction in cases on social protection in Poland in the context of application of the Polish-Ukrainian Agreement on Social Support of 2012 Dorota Denisiuk, Adjunct Professor in the Institute of Administrative and Legal Sciences of the Faculty of Law and Administration of the Warsaw University
10 20 10 15	Some issues of realization of principles of administrative liability of
10.30–10.45	public officials Anatolii Komziuk, professor of the Chair of administrative law and process of the Kharkiv National University of Internal Affairs, Doctor of Juridical Sciences, Professor, Honored Science and Technology Worker of Ukraine
10.45–11.00	<b>Disciplinary liability of state officials in the Republic of Latvia</b> <b>Veronika Krūmiņa,</b> judge and the Chairman of the Department of Administrative Cases of the Supreme Court of Latvia, expert of the Project "Strengthening the Institutional capacity of the Supreme Court of Ukraine in the sphere of human rights protection at the national level", Latvia
11.00–11.15	Public and legal disputes concerning the High Council of Justice refusal to submit to the President of Ukraine the motion on the appointment to position of judge Anton Monaienko, Principal Research Scientist of the Institute of Legislation of the Verkhovna Rada of Ukraine, Doctor of Juridical Sciences, Docent
11.15–11.30	<b>Violation of oath as a reason for dismissal</b> <b>Iryna Zheltobriukh,</b> <i>judge of the Administrative Cassation Court within</i> <i>the Supreme Court, Candidate of Juridical Sciences</i>
11.30–11.50	Coffee Break
11.50–12.05	Consideration by the Administrative Cassation Court within the Supreme Court of the cases appearing from public service: analysis of statistical data and procedural peculiarities Nadiia Danylevych, judge, Secretary of the Judicial Chamber on Election Process, Referendum and the Protection of Political Rights of Citizens of the Administrative Cassation Court within the Supreme Court

12.05–12.20	About rights of officials of internal affairs bodies to recalculation of pensions Nataliia Kovalenko, judge of the Administrative Cassation Court within the Supreme Court, Doctor of Juridical Sciences, Docent
12.20–12.35	Separate problem issues of legal mechanism of pension support for a state official Olena Kalashnikova, judge of the High Administrative Court of Ukraine
12.35–12.50	About recruitment activities in the State Bureau of Investigation at its territorial bodies Pylyp Pylypenko, head of the Chair of social law of the Ivan Franko National University of Lviv, Doctor of Juridical Sciences, Professor
12.50–13.10	Problem issues of bringing prosecutor to disciplinary liability for recording inaccurate and (or) incomplete information to declaration of persons authorized to perform functions of state or local self- government Vasyl Sharapa, judge of the Administrative Cassation Court within the Supreme Court
13.10–13.40	Coffee Break
13.40–13.55	Official of the body of public administration as a subject of administrative crime in the information area Oleh Zaiarnyi, docent of the Chair of administrative law of the Taras Shevchenko National University of Kyiv, Doctor of Juridical Sciences
13.55–14.10	<b>Problems of competitive selection of individuals for the service in the</b> <b>National Police of Ukraine in view of practice of administrative courts</b> <b>Oleksandr Banchuk,</b> Senior Research Officer of the Division for state management and administrative law of the V. Koretskyi Institute of State and Law of the National Academy of Sciences of Ukraine, Candidate of Juridical Sciences
14.10–14.25	<b>Conflict of jurisdictions through the prism of practice of the ECHR</b> <b>Volodymyr Kravchuk,</b> <i>judge of the Administrative Cassation Court within the Supreme Court, Doctor of Juridical Sciences, Professor</i>
14.25–14.40	<b>Peculiarities of criminal liability of public officials and individuals</b> <b>providing public services under criminal legislation of Ukraine</b> <b>Vitalii Pavlykivskyi,</b> head of the Chair of criminal and legal disciplines and administrative law of the Kharkiv Economic and Legal University, Doctor of Juridical Sciences, Docent
14.40–14.55	<b>Concerning judicial consideration of disputes on performing service on</b> <b>state political positions and dismissal from them</b> <b>Oleksandr Konstantnyi,</b> <i>scientific consultant of judge of the</i> <i>Constitutional Court of Ukraine, Doctor of Juridical Sciences</i>

14.55–15.10	<b>Concerning the issue of disciplinary liability of state executor as a public official</b> <b>Svitlana Belikova,</b> trainer of the Division for preparation of prosecutors for the representation of state interests in courts of the Institute of Special Preparation of the National Academy of the Public Prosecutor's Office of Ukraine, Candidate of Juridical Sciences
15.10–15.30	US experience in holding elections of judges Volodymyr Nesterovych, head of the Chair of state and legal disciplines of the E. Didorenko State University of Internal Affairs of Luhansk, Doctor of Juridical Sciences, Docent
15.30–16.00	Questions, Answers, Discussions